

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
Ramon Sanchez and Geovani Rios, (aka Giovanni Rios), :

Plaintiffs, :

Index Number:
Date Purchased:
Date Filed:

-against- :

SUMMONS

City of New York, New York City Police Department, :
Detective Odalis Perez of the NBBX Command and :
New York City Police Officers John Doe :Plaintiff Sanchez's
residence is:
1877 Harrison Avenue
Bronx, NY 10453

Defendants

-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to Answer the Verified Complaint in this action and serve a copy of your answer, or if the Verified Complaint is not served with this Summons to serve a notice of Appearance on the Plaintiffs attorney within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York) and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

The basis of venue designated is that the cause of action arose in Bronx County.

Dated: May 27 2016,
New York, NY

Yours, etc.,

LAW OFFICES OF JASON A. STEINBERGER, LLC
Attorney for Plaintiffs
505 Eighth Avenue
Suite 701
New York, NY 10018
(646) 256-1007

To: City of New York
New York City Police Department
Detective Odalis Perez of the NBBX Command
New York City Police Officers John Doe

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
Ramon Sanchez and Geovani Rios, (aka Giovanni Rios), :

Plaintiffs, :

: VERIFIED COMPLAINT
-against- :

City of New York, New York City Police Department, :
Detective Odalis Perez of the NBBX Command and :
New York City Police Officers John Doe :
Defendants. :
-----X

Plaintiff, by and through his attorney, JASON A. STEINBERGER, Esq, for his complaint,
alleges upon information and belief as follows:

STATEMENT OF FACTS

1. That at all times hereinafter mentioned, Plaintiff Ramon Sanchez, (hereinafter referred to as “SANCHEZ”) resides in Bronx County, State of New York.
2. That at all times hereinafter mentioned, Plaintiff Geovani Rios, AKA Giovanni Rios, (hereinafter referred to as “RIOS”) resides in Bronx County, State of New York.
3. That at all times hereinafter mentioned, the Detective Odalis Perez of the NBBX Command, (hereinafter referred to as “PEREZ”) was employed by the New York City Police Department.
4. That at all times hereinafter mentioned, the New York City Police Officers John Doe, the officers involved in the arrest of Plaintiffs, (hereinafter referred to as “DOES”) were employed by the New York City Police Department.

5. That at all times hereinafter mentioned, Defendant City of New York, is a municipal corporation organized and existing under the laws of the State of New York, with a principal place of business located at 1 Centre Street, County of New York State of New York.
6. That at all times hereinafter mentioned, Defendant New York City Police Department, is an agency created and maintained by the above municipal government.
7. On or about June 16, 2015 notice required by Municipal Law 50-E was given to City of New York, by personal service as to all Plaintiffs. Said notice set forth the facts underlying Plaintiffs' claim against the City of New York, and its agents and employees. To date, no answer has been received by Plaintiff and no compensation has been offered by the City of New York.
8. That on April 14, 2016 the Honorable Mitchell Danziger ordered that the Notice of Claim filed as to RIOS is filed timely, nunc pro tunc, for the state law claim of cause of action for malicious prosecution.
9. That on or about June 18, 2016 a hearing required by Municipal Law 50-H was conducted. At said hearing Plaintiffs testified and set forth the facts underlying Plaintiffs' claim against the City of New York and its agents and employees. To date, no answer has been received by Plaintiff and no compensation has been offered by the City of New York in response to this claim, and more than thirty (30) days have elapsed
10. That on or about March 5, 2014 at approximately 3:00 PM in the vicinity of 2059 Davidson Avenue, Bronx NY, Plaintiffs were on their way to purchase an electronic item when PEREZ and DOES stopped, handcuffed and arrested Plaintiffs.
11. That at no time were Plaintiff engaged in any unlawful or criminal behavior before they were arrested.

12. That at no time were Plaintiffs in possession of anything of an unlawful or illegal nature.
13. That at no time did Plaintiffs sell anything of an unlawful or illegal nature.
14. That after Plaintiffs were arrested, they were brought to the 46 precinct.
15. That at the 46 precinct, Plaintiffs were each subjected to a strip search.
16. That while inside of the 46 precinct, Plaintiffs were forced to remain inside of a holding cell with numerous other males.
17. That after spending several hours in the 46 precinct, Plaintiffs were removed to Central Booking, Bronx County Criminal Court, located at 215 East 161 Street, Bronx, NY.
18. That while inside of Central Booking Plaintiffs were forced to remain inside of a holding cell with numerous other males.
19. That while inside of Central Booking Plaintiffs were forced to remain inside of a holding cell that did not have a working bathroom.
20. That while inside of Central Booking Plaintiffs were subjected to harassment from the other males inside of the cells.
21. That on or about March 6, 2014, Plaintiffs were each arraigned in Bronx Count Criminal Court and charged with Criminal Sale of a Controlled Substance in the Third Degree.
22. That at the time of their arraignment, bail was set for each Plaintiff and they were each remanded to the custody of a New York City Correctional facility.
23. That on and between March 6, 2014 and March 11, 2014, SANCHEZ was held at a New York City Correctional facility until his bail was paid.
24. That on and between March 6, 2014 and March 11, 2014, RIOS was held at a New York City Correctional facility until his bail was paid.

25. That on and between March 6, 2014 and March 3, 2015, RIOS made several court appearances until his case was dismissed upon application of the Office of the Bronx County District Attorney.

26. That on and between March 6, 2014 and June 10, 2015, SANCHEZ made several court appearances until his case was dismissed upon application of the Office of the Bronx County District Attorney.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS

27. Plaintiff SANCHEZ repeats, reiterates and realleges the allegations contained in paragraphs 1 through 26, as if more fully stated herein at length.

28. That Defendants acted with actual malice toward Plaintiff SANCHEZ and with willful and wanton indifference to and deliberate disregard for the statutory and constitutional rights of the Plaintiff.

29. That the actions of the Defendants constituted unreasonable deprivation of liberty without due process of law.

30. That as a result of the actions by Defendants, Plaintiff SANCHEZ was traumatized and fears his physical safety when she sees and encounters members of the New York City Police Department from that day and onward.

31. That as a result of the actions of Defendants, Plaintiff SANCHEZ was seriously injured due to the intentional manner in which Defendants, their agents, servants, employees and/or licensees treated Plaintiff and he was wounded, suffered, still suffers, and will continue to suffer for some time great physical pain and great bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

32. That as a result of the Defendants' actions, Plaintiff SANCHEZ has been unable to sleep.

33. That as a result of the Defendants actions, Plaintiff SANCHEZ was forced to miss multiple days of work.

34. That as a result of the Defendants' actions Plaintiff SANCHEZ sustained damage to his person in the sum within the jurisdiction of the Supreme Court and in excess of all inferior courts.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS

35. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 34, as if more fully stated herein at length.

36. The intentional verbal abuse, false arrest, false imprisonment and malicious prosecution by Defendants violated the rights of the Plaintiff SANCHEZ as guaranteed by the Fourth, Fifth and Eighth Amendments to the Unites States Constitution, as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable.

37. Defendants having no lawful authority to arrest Plaintiff SANCHEZ, did, nevertheless, unlawfully arrest Plaintiff SANCHEZ with actual malice toward him and with willful and wanton indifference to and deliberate disregard for his constitutional rights. Thus Plaintiff SANCHEZ is entitled to both compensatory and exemplary damages.

AS AND FOR A THIRD CAUSE OF ACTION AS AGAINST DEFENDANTS

38. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 37, as if more fully stated herein at length.

39. Defendants conspired to violate Plaintiff SANCHEZ's statutory civil rights in violation of 42 U.S.C. sec.1983, et al as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable. Thus Plaintiff SANCHEZ is entitled to both compensatory and exemplary damages, as well as attorney's fees.

AS AND FOR A FOURTH CAUSE OF ACTION AS AGAINST DEFENDANTS

40. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 39, as if more fully stated herein at length.

41. Plaintiff SANCHEZ was verbally abused, falsely arrested, falsely imprisoned and maliciously prosecuted by Defendants in a manner that was extreme, outrageous and unjustified and caused Plaintiff SANCHEZ to suffer physical and severe emotional distress for which the Defendants are individually liable. The verbal abuse, false arrest, false imprisonment and malicious prosecution of Plaintiff SANCHEZ by Defendants were unjustified and done with actual malice and wanton indifference to and deliberate disregard for human life and the rights of Plaintiff SANCHEZ. Plaintiff SANCHEZ is thus entitled to compensatory and exemplary damages.

42. That during the pendency of the case, Defendants maliciously prosecuted RAMOS by continuing to cooperate in a prosecution where Defendants knew that RAMOS committed no crime. Plaintiff is thus entitled to compensatory and exemplary damages

**AS AND FOR A FIFTH CAUSE OF ACTION AS AGAINST CITY OF NEW YORK AND
NEW YORK CITY POLICE DEPARTMENT**

43. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 42, as if more fully stated herein at length.

44. At all times pertinent hereto, PEREZ and DOES were acting within the scope of their employment as officers of the New York City Police Department and City of New York.

45. The City of New York and New York City Police Department are each liable for compensatory damages under the doctrine of respondeat superior for the intentional torts that PEREZ and DOES committed within the scope of his employment.

**AS AND FOR A SIXTH CAUSE OF ACTION AS AGAINST CITY OF NEW YORK AND
NEW YORK CITY POLICE DEPARTMENT**

46. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 45, as if more fully stated herein at length.

47. The City of New York and New York City Police Department's failure to provide adequate training and supervision to PEREZ and DOES constitutes a willful and wanton indifference and deliberate disregard for human life and the rights of private citizens, including Plaintiff SANCHEZ. Plaintiff SANCHEZ is thus entitled to compensatory exemplary damages.

AS AND FOR A SEVENTH CAUSE OF ACTION AS AGAINST DEFENDANTS

48. Plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1 through 47, as if more fully stated herein at length.

49. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory that it was ineffective and permitted and tolerated the unreasonable detention of Plaintiff SANCHEZ.

50. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory

that it was ineffective and permitted the wanton indifference to and deliberate disregard for the statutory and constitutional rights of Plaintiff SANCHEZ.

AS AND FOR AN EIGHTH CAUSE OF ACTION AS AGAINST DEFENDANTS

51. Plaintiff RIOS repeats, reiterates and realleges the allegations contained in paragraphs 1 through 50 as if more fully stated herein at length.

52. That Defendants acted with actual malice toward Plaintiff RIOS and with willful and wanton indifference to and deliberate disregard for the statutory and constitutional rights of the Plaintiff RIOS.

53. That the actions of the Defendants constituted unreasonable deprivation of liberty without due process of law.

54. That as a result of the actions by Defendants, Plaintiff RIOS was traumatized and fears for his physical safety when she sees and encounter members of the New York City Police Department from that day and onward.

55. That as a result of the actions of Defendants, Plaintiff SANCHEZ was seriously injured due to the intentional manner in which Defendants, their agents, servants, employees and/or licensees treated Plaintiff and he was wounded, suffered, still suffers, and will continue to suffer for some time great physical pain and great bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

56. That as a result of the Defendants' actions, Plaintiff RIOS has been unable to sleep.

57. That as a result of the Defendants' actions, Plaintiff RIOS was forced to miss multiple days of work.

58. That as a result of the Defendants' actions Plaintiff RIOS sustained damage to their persons in the sum within the jurisdiction of the Supreme Court and in excess of all inferior courts.

AS AND FOR A NINTH CAUSE OF ACTION AGAINST DEFENDANTS

59. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 58, as if more fully stated herein at length.

60. The intentional verbal abuse, false arrest, false imprisonment and malicious prosecution by Defendants violated the rights of Plaintiff RIOS as guaranteed by the Fourth, Fifth and Eighth Amendments to the Unites States Constitution, as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable.

61. Defendants having no lawful authority to arrest Plaintiff RIOS, did, nevertheless, unlawfully arrest Plaintiff RIOS with actual malice toward him and with willful and wanton indifference to and deliberate disregard for his constitutional rights. Thus Plaintiff RIOS is entitled to both compensatory and exemplary damages.

AS AND FOR A TENTH CAUSE OF ACTION AS AGAINST DEFENDANTS

62. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 61, as if more fully stated herein at length.

63. Defendants conspired to violate Plaintiff RIOS's statutory civil rights in violation of 42 U.S.C. sec.1983, et al as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable. Thus Plaintiff RIOS is entitled to both compensatory and exemplary damages, as well as attorney's fees.

AS AND FOR A ELEVENTH CAUSE OF ACTION AS DEFENDANTS

64. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 63, as if more fully stated herein at length.

65. Plaintiff was verbally abused, falsely arrested, falsely imprisoned and maliciously prosecuted by Defendants in a manner that was extreme, outrageous and unjustified and caused Plaintiff RIOS to suffer physical and severe emotional distress for which the Defendants are individually liable. The verbal abuse, false arrest, false imprisonment and malicious prosecution of Plaintiff RIOS by Defendants was unjustified and done with actual malice and wanton indifference to and deliberate disregard for human life and the rights of Plaintiff RIOS. Plaintiff RIOS is thus entitled to compensatory and exemplary damages.

66. That during the pendency of the case, Defendants maliciously prosecuted RIOS by continuing to cooperate in a prosecution where Defendants knew that RIOS committed no crime. Plaintiff is thus entitled to compensatory and exemplary damages

**AS AND FOR A TWELFTH CAUSE OF ACTION AS AGAINST CITY OF NEW YORK
AND NEW YORK CITY POLICE DEPARTMENT**

67. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 66, as if more fully stated herein at length.

68. At all times pertinent hereto, PEREZ and DOES were acting within the scope of their employment as officers of the New York City Police Department and City of New York.

69. The City of New York and New York City Police Department are each liable for compensatory damages under the doctrine of respondeat superior for the intentional torts that PEREZ and DOES committed within the scope of his employment.

AS AND FOR A THIRTEENTH CAUSE OF ACTION AS AGAINST CITY OF NEW YORK AND NEW YORK CITY POLICE DEPARTMENT

70. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 69, as if more fully stated herein at length.

71. The City of New York and New York City Police Department's failure to provide adequate training and supervision to PEREZ and DOES constitutes a willful and wanton indifference and deliberate disregard for human life and the rights of private citizens, including Plaintiff RIOS. Plaintiff RIOS is thus entitled to compensatory exemplary damages.

AS AND FOR A FOURTEENTH CAUSE OF ACTION AS AGAINST DEFENDANTS

72. Plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1 through 71, as if more fully stated herein at length.

73. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory that it was ineffective and permitted and tolerated the unreasonable detention of Plaintiff RIOS.

74. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory that it was ineffective and permitted the wanton indifference to and deliberate disregard for the statutory and constitutional rights of Plaintiff RIOS.

WHEREFORE, Plaintiffs each demand judgment against the Defendants as follows:

On the first cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts;

On the second cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts, together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton conduct of Defendants' actions.

On the third cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton conduct of Defendants' actions.

On the fourth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the wanton and willful conduct of the Defendants' actions;

On the fifth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts

On the sixth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts.

On the seventh cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts.

On the eighth cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts;

On the ninth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts, together with the additional exemplary sum within the jurisdiction of

this court and in excess of all inferior courts owing to the willful and wanton conduct of Defendants' actions.

On the tenth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton conduct of Defendants' actions.

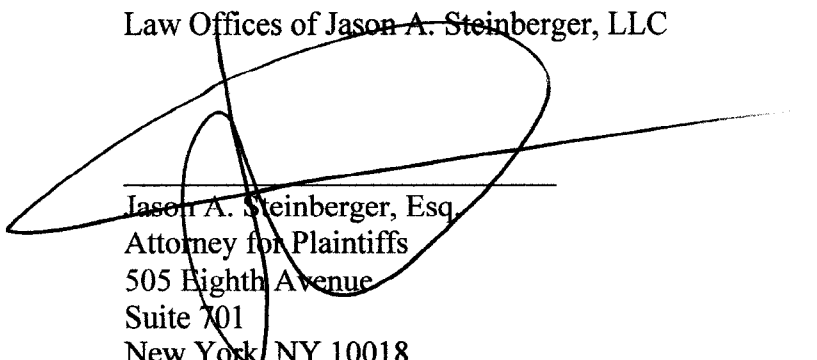
On the eleventh cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the wanton and willful conduct of the Defendants' actions;

On the twelfth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts

On the thirteenth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts.

On the fourteenth cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts.

Law Offices of Jason A. Steinberger, LLC

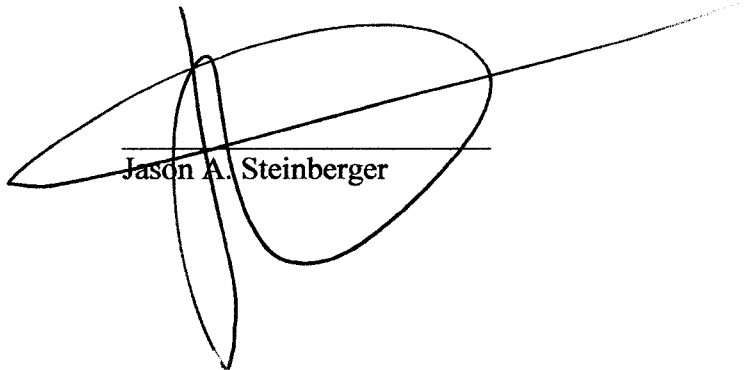


Jason A. Steinberger, Esq.
Attorney for Plaintiffs
505 Eighth Avenue
Suite 701
New York, NY 10018
(646) 256-1007

STATE OF NEW YORK: COUNTY OF NEW YORK

The undersigned, an attorney admitted to practice in the State of New York, under penalties of perjury, affirms the following to be true: Affirmant has read the foregoing Complaint and the contents thereof ; the same is true to affirmant's own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters affirmant believes it to be true; and the reason this verification is made by affirmant and not by the plaintiff is because the plaintiff is not within the county in which your affirmant maintains his principal office. The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are communications with the plaintiff, review of records and documents within affirmant's possession.

Affirmed: May 27, 2016



Jason A. Steinberger